

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

E. LUKE GREENE COMPANY, INC.,

Plaintiff,

VS.

A & G COAL CORPORATION,

Defendant.

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Civil Action No. _____

COMPLAINT

This is an action to collect an indebtedness owed to the plaintiff, E. Luke Greene Company, Inc., by the defendant, A & G Coal Corporation. In support of its claim, plaintiff says the following:

1. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332:
 - a. Plaintiff is a Tennessee corporation with its principal place of business in Tennessee. Defendant has a certificate of authority to transact business in Virginia.
 - b. Defendant is a Virginia corporation with its principal place of business in Virginia.
 - c. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs.
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

3. Plaintiff entered into an agreement with defendant to demolish two concrete silos. The agreement is in the attached correspondence (attached as Exhibit A).

4. On or about August 17, 2012, plaintiff properly completed the work.

5. Plaintiff issued an invoice (#212326-01) for payment on August 17, 2012 (attached as Exhibit B). The invoice was “for demolition” at the “(f)ormer A&G Property” in Appalachia, Virginia. The amount due on the invoice is \$89,170.00.

6. Multiple attempts have been made requesting payment for the invoice.

7. Despite plaintiff’s attempts to collect, no payment has been made to date.

8. Formal letters advising defendant that plaintiff was attempting to collect the debt were sent on January 31, 2013 and again on April 15, 2013 (attached as Exhibit C).

9. Defendant has not communicated any reason for nonpayment.

10. As a result of defendant’s non-payment, plaintiff is entitled to a judgment against defendant for \$89,170.00, for all accrued and unpaid interest to the date of judgment, for late charges, and for all recoverable costs incurred by plaintiff in collecting such indebtedness.

11. Attached are:

Exhibit D Civil Cover Sheet

Exhibit E Disclosure of Corporate Affiliation...

WHEREFORE, plaintiff demands judgment against defendant for the following:

- A. Unpaid debt in the amount of \$89,170.00.
- B. Pre-judgment interest and late charges.
- C. All taxable costs and other relief the Court finds appropriate.

E. LUKE GREENE COMPANY, INC.

s/ James N. L. Humphreys
Counsel for Plaintiff
HUNTER, SMITH & DAVIS, LLP
P. O. Box 3740
Kingsport, TN 37664
TN Bar No. 014357; VA Bar No. 27868
(423) 378-8862; Fax: (423) 378-8804
humphrey@hsdlaw.com